

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-25983 - APPLICANT: UNWINED, LLC - OWNER: SHADOW MOUNTAIN MARKETPLACE, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Package Liquor Off-sale Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment within an existing building at 6485 North Decatur Boulevard Suite 140. The applicant wishes to operate a specialty wine shop, UnWined, which will feature a variety of wines from a variety of regions. A majority of the floor space within the 1,500 SF shop will be dedicated to the displaying and housing of wine in wooded wine racks, while the remainder of the store will feature sales of wine accessory merchandise, a small seating area and demonstration counter. The shop will also offer ½ ounce tasting of wine to customers at no charge, which is permissible under the Package Liquor Off-Sale Establishment use with proper licensing.

The subject proposal meets all Title 19.04 standards for Package Liquor Off-Sale Establishment uses. As this use is located within a much larger retail center, the provided parking is adequate for the proposed use. Further, this use is compatible with the surrounding area and staff recommends approval.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i> |  |
|---|--|
| 08/25/97  | The City Council approved a General Plan Amendment (GPA-0027-97) application to amend the Centennial Hills Sector Plan of the General Plan on a 30-acre portion property located on the northwest corner of Centennial Parkway and Decatur Boulevard from DR (Desert Rural) to SC (Service Commercial). The Planning Commission and Staff both recommended approval.                       |
| 08/25/97  | The City Council approved a Rezoning and Site Development Plan Review (Z-0062-97) application for the reclassification of property located on the northwest corner of Centennial Parkway and Decatur Boulevard from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 330,500 square foot commercial center. The Planning Commission and Staff both recommended approval. |
| 01/17/01  | The City Council approved a Rezoning and Site Development Plan Review (Z-0107-00) application for the reclassification of a five-acre portion of property located on the southeast corner of Thom Boulevard and Rome Boulevard from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed commercial center. The Planning Commission and Staff both recommended approval.     |

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| 06/20/01 | The City Council approved a Rezoning (Z-0019-01) application for the reclassification 31.7 acres of property located on the northwest corner of Centennial Parkway and Decatur Boulevard from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) to C-1 (Limited Commercial). The Resolution of Intent was set to expire on 06/20/03. The prior Rezoning approvals Z-0062-97 and Z-0107-00 were expunged. The Planning Commission and Staff both recommended approval. |
| 07/16/03 | The City Council approved an Extension of Time (EOT-2267) application for a Reinstatement and Extension of Time of an approved Rezoning (Z-0019-01) application for the reclassification 31.7 acres of property located on the northwest corner of Centennial Parkway and Decatur Boulevard from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) to C-1 (Limited Commercial). The Planning Commission and Staff both recommended approval                           |
| 05/05/04 | The City Council approved a Rezoning (ZON-3976) application for the reclassification 3.88 acres of property adjacent to the southeast corner of Thom Boulevard and Rome Boulevard from R-E (Residence Estates) to C-1 (Limited Commercial). The previous Resolution of Intent based upon Rezoning (Z-0107-00) application expired on 06/20/03. The Planning Commission recommended denial. Staff recommended approval  |
| 05/05/04 | The City Council accepted the Withdrawal Without Prejudice for a Special Use Permit (SUP-3980) application for a proposed mini-warehouse facility adjacent to the southeast corner of Thom Boulevard and Rome Boulevard. The Planning Commission recommended denial. Staff recommended approval.   |
| 05/05/04 | The City Council accepted the Withdrawal Without Prejudice for a Site Development Plan Review (SDR-3979) application for a proposed mini-warehouse facility adjacent to the southeast corner of Thom Boulevard and Rome Boulevard. The Planning Commission recommended denial. Staff recommended approval  |
| 10/07/04 | The Planning Commission approved a Site Development Plan Review (SDR-5050) and Waivers of Building Placement and Foundation Landscaping Standards for a proposed 365,700 square foot shopping center (Shadow Mountain Marketplace) on 35.0 acres adjacent to the northwest corner of Decatur Boulevard and the Las Vegas Beltway. Staff recommended approval.  |
| 05/18/05 | The City Council approved a Special Use Permit (SUP-6204) for a proposed Liquor Establishment (Off-Premise Consumption) use at 6555 North Decatur Boulevard. Planning Commission and staff recommended approval.   |
| 09/08/05 | The Planning Commission approved a Master Sign Plan (MSP-8346) for an approved 365,700 square-foot shopping center (Shadow Mountain Marketplace) on 65.01 acres at 6555 North Decatur Boulevard. Staff recommended approval.   |
| 02/23/06 | Staff administratively approved a Site Development Plan Review (SDR-11169) for two additional drive-through lanes for an approved Financial Institution, General use on a portion of 65.01 acres at 6555 North Decatur Boulevard.  |

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|--|---|
| 03/15/06   | The City Council approved a Special Use Permit (SUP-11170) for a proposed Supper Club use at 6555 North Decatur Boulevard. Planning Commission and staff recommended approval.  |
| 10/19/06   | Staff administratively approved a Site Development Plan Review (SDR-16383) for a proposed 4,456 square-foot Restaurant 2,000 sq. ft. or more (Drive-Through) use on an approved pad site (Pad D) on a portion of 65.01 acres at 6475 North Decatur Boulevard  |
| 10/17/07   | The City Council approved a Special Use Permit (SUP-23093) for a proposed 3,270 square-foot Massage Establishment at 6475 North Decatur Boulevard Suites 160 and 165. The Planning Commission recommended approval. Staff recommended denial.   |
| <b><i>Related Building Permits/Business Licenses</i></b> |   |
| 12/22/05   | A building permit application, plan check C-0077-05, was submitted. This permit (06003384) was issued on 05/12/06 for the shell building of Shop 2 on the site. This was for a plan check review to construct a shell retail building at 6485 North Decatur Boulevard. This permit received final approval on 11/01/07. |
| 06/11/07   | A building permit application, plan check L-1484-07, was submitted. This permit (07001914) issued on 06/11/07 for the spec suite C of C. This was for a plan check review for suite 140 at 6485 North Decatur Boulevard. This permit received final approval on 12/03/07.   |
| 08/21/07   | A business license, F07-01969, for a Retail Bedding category license was processed in by the Department of Finance and Business Services. This license was issued 08/27/07.   |
| 11/27/07   | A business license, R07-00799, for a Restaurant category license was processed in by the Department of Finance and Business Services. This license was issued 12/24/07.   |
| 12/14/07   | A business license, R07-98230, for a Restaurant category license was processed in by the Department of Finance and Business Services. This license has not been sent to the Planning and Development Department for review nor has this license been issued as of 01/03/08.   |
| <b><i>Pre-Application Meeting</i></b>                    |   |
| 06/22/07   | A pre-application meeting was held and elements of this application were discussed. It was noted that proof of ability to sign would be needed with the application and statement of financial interest. Submittal requirements were discussed.   |

|                           |   |
|---------------------------|---|
| <b><i>Field Check</i></b> |   |
| 12/20/07                  | The Department of Planning and Development conducted a site visit that found that this site has recently completed construction and is part of a larger commercial shopping center. |

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| <b>Details of Application Request</b> |       |
|---------------------------------------|-------|
| <b>Site Area</b>                      |       |
| Gross Acres                           | 20.95 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>             | <b>Existing Zoning</b>                         |
|-----------------------------|--------------------------|-------------------------------------|--|
| Subject Property            | Shopping Center          | SC (Service Commercial)             | C-1 (Limited Commercial)                       |
| North                       | Undeveloped              | ML (Medium-Low Density Residential) | R-E (Residence Estates)                        |
| South                       | ROW (CC 215)             | ROW (CC 215)                        | ROW (CC 215)                                   |
| East                        | Shopping Center          | Commercial, City of North Las Vegas | Mixed Use Commercial - City of North Las Vegas |
| West                        | Shopping Center          | SC (Service Commercial)             | C-1 (Limited Commercial)                       |
|                             | Single-Family, Detached  | ML (Medium-Low Density Residential) | R-1 (Single Family Residential)                |
|                             | Undeveloped              | ML (Medium-Low Density Residential) | R-E (Residence Estates)                        |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>      |            | X         | N/A               |
| <b>Trails</b>                                     | X          |           | Y*                |
| <b>Rural Preservation Overlay District</b>        |            | X         | N                 |
| <b>Development Impact Notification Assessment</b> |            | X         | N                 |
| <b>Project of Regional Significance</b>           | X          |           | Y**               |

\* There is a trail designated at the southern portion of this site. All trail related conditions were addressed as a part of the Site Development Plan Review (SDR-5050) and are not impacted by this special use permit.

\*\* This review outlines a project that meets the threshold that defines a Project of Regional Significance as outlined in the ordinance for a Special Use Permit application concerning property within 500 feet of the City boundary with North Las Vegas. The applicant has prepared an impact report as required by the Ordinance for referral to the City of North Las Vegas and other affected agencies. As of the current date, no response has been received from North Las Vegas or the other affected agencies, except for The City of Las Vegas Department of Public Works, Sanitary Sewers Division, which has acknowledged that this project will not have a significant impact on the sanitary sewer collection system.

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

As stated in Title 19.10, the following parking standards apply:

| Parking Requirement        |                                     |                      |              |              |              |              |            |
|----------------------------|-------------------------------------|----------------------|--------------|--------------|--------------|--------------|------------|
| Use                        | Gross Floor Area or Number of Units | Required             |              |              | Provided     |              | Compliance |
|                            |                                     | Parking Ratio        | Parking      |              | Parking      |              |            |
|                            |                                     |                      | Regular      | Handi-capped | Regular      | Handi-capped |            |
| Shopping Center *          | 350,152 SF                          | 1 Space / 250 SF GFA | 1,372 Spaces | 29 Spaces    | 1,910 Spaces | 59 Spaces    | Y          |
| TOTAL (including handicap) |                                     |                      | 1,401 Spaces |              | 1,969 Spaces |              | Y          |

- \* Under Title 19.04, a shopping center use is defined as “Any structure or group of structures that: (1) House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses; (2) Have a minimum combined gross floor area of 25,000 square feet; (3) Are located upon a single parcel of land or upon contiguous parcels of land; and (4) Have common vehicular access and parking facilities.” This development is deemed a shopping center use and parking is calculated for the overall development, not each individual use.

**ANALYSIS**

The subject site is designated SC (Service Commercial) on the Centennial Hills Sector Map of the General Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan, and the proposed Package Liquor Off-Sale Establishment is a permitted use with the approval of a Special Use Permit.

The proposed Package Liquor Off-Sale Establishment use is to allow a 1,500 square-foot operation to locate within an approved shopping center at 6485 North Decatur Boulevard Suite 140. The justification letter submitted by the applicant states that the proposed business will feature a wide variety of wines from varying regions and offer ½ ounce tasting of wine at no charge to the customers, which is permissible with the proper wine, cordial and liquor tasting license. The plans indicate that there will be multiple wine storage racks and island display areas which will occupy a majority of the suite. In addition, the suite will feature a small seating area, a demonstration counter/bar, an office, and a single person restroom.

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Pursuant to Title 19.04 the Minimum Requirements of Approval for a Package Liquor, Off-Sale Establishment use in a C-2 (General Commercial) Zoning District are:

- **Conditions**

1. Except as otherwise provided, no package liquor off-sale establishment use (herein after “establishment”) shall be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
  - a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
4. The minimum distance requirements in Requirement 1 do not apply to:
  - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
  - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.

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5. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

As this is within a predominately commercial area, the subject proposal will be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by North Decatur Boulevard (a 100-foot primary arterial). This thoroughfare is capable of accommodating the traffic flow created by the site and the use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this request will not compromise the public health, safety or welfare of the general public as regular inspections are a part of the business licensing process and will not jeopardize the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The Package Liquor, Off-sale Establishment use meets all standard conditions that apply pursuant to Title 19.04.



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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 5

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 672

**APPROVALS** 2

**PROTESTS** 16